

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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USA,

Plaintiff,

-against-

ORDER
19-cr-29 (RPK)

ALONZO SHIPP,

Defendant.

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RACHEL P. KOVNER, United States District Judge:

This order grants defendant Alonzo Shipp's motion to compel at ECF No. 73. The government anticipates calling law enforcement witnesses at the trial in this case that is scheduled to begin on November 9, 2020. Gov't's Mot. in Lim. at 1 (Dkt. #71). The government has disclosed to the defense summaries of Civilian Complaint Review Board ("CCRB") complaints, Internal Affairs Bureau ("IAB") investigations, command discipline, and civil lawsuits relating to those witnesses. *Id.* at 2-7. It has also moved to preclude cross-examination concerning the disclosed matters. *Id.* at 7-9. The defense argues that the government's disclosures are insufficient under *Giglio v. United States*, 405 U.S. 150 (1972), and it asks that this Court compel "the immediate production of the records that underlie" any "prior substantiated instances of misconduct." Def.'s Ltr. in Supp. of Def's Mot. to Compel at 1 (Dkt. #73).

The request is granted. Judge Garaufis previously ordered the government to disclose "[a]ny *Giglio* material related to" the law enforcement witnesses, "including any CCRB, IAB, and civil lawsuit files . . . by March 23, 2020." Mem. & Order 10 (Mar. 9, 2020) (Dkt. #59). The government did not take issue with the substance of this order at the time, and although the timing of the order was adjusted, the order remains in effect. I will not revisit it.

As soon as possible, the government shall produce to the defense the CCRB and IAB files that underlie any prior substantiated instances of misconduct. The government shall also produce the records of prior substantiated instances of command discipline. Judge Garaufis's order made clear that he regarded disclosure of the underlying CCRB, IAB, and civil lawsuit files as appropriate to fulfill the government's *Giglio* obligations, and the government has offered no reason why, given that holding, the underlying command-discipline records should not also be disclosed.

The defense shall respond to the government's motion seeking to restrict impeachment of the government's law enforcement witnesses no later than three days from the receipt of these disclosures. The government shall submit its reply, if any, no later than three days from the submission of the defendant's response.

SO ORDERED.

/s/ Rachel Kovner
RACHEL P. KOVNER
United States District Judge

Dated: October 20, 2020
 Brooklyn, New York